

2020-09

**EXECUTIVE ORDER OF THE MAYOR OF THE VILLAGE OF ROSELLE, ILLINOIS,  
SUSPENDING THE ENFORCEMENT OF ZONING ORDINANCES AND LIQUOR  
CONTROL ORDINANCES WHICH WOULD PROHIBIT OR HAVE THE EFFECT OF  
PROHIBITING THE SALE AND DELIVERY OF FOOD AND ALCOHOLIC  
BEVERAGES IN ALFRESCO DINING AREAS**

**WHEREAS**, Article XIX "Emergency and Disasters" of Chapter 2 "Administration" of the Roselle Village Code grants authorization to the Mayor of the Village of Roselle to enter executive orders "upon the declaration of a local state of emergency"; and

**WHEREAS**, the authority to declare a state of emergency and to issue local executive orders under Chapter 2 Article XIX is exclusive to the Mayor; and

**WHEREAS**, on March 20, 2020, I the Mayor of the Village of Roselle, Andrew Maglio, entered a declaration of local state of emergency based on the COVID-19 pandemic; and

**WHEREAS**, Governor Pritzker's Executive Order 2020-07 requires all businesses that offer food or beverages for on-premises consumption to suspend service for all on-premises consumption and pursuant to the guidance provided by the Illinois Liquor Control Commission allowing the extension of renewal dates for state liquor licenses and allowing the temporary deliveries of alcohol liquor to promote social distancing; and

**WHEREAS**, Governor Pritzker has amended his Executive Order 2020-07 effective May 29, 2020 to permit partial re-opening of "manufacturing, health and fitness centers, offices, personal care services, retail, outdoor recreation, service counselors, day camps, youth sports, restaurants and bars; and

**WHEREAS**, I have concluded that an Executive Order authorizing the temporary suspension of the enforcement of Zoning Ordinances and Liquor Control Ordinances which would prohibit or have the effect of prohibiting the sale and delivery of food and alcoholic beverages in alfresco dining areas, is consistent with my authority under the law and the Declaration of Emergency because it permits social distancing, reduces person to person contact during the period of the COVID-19 pandemic, and offers the opportunity for responsible Roselle businesses to mitigate on behalf of themselves and their employees the economic hardship imposed by the suspension of food and beverage services for on premises consumption contained in Governor Pritzker's Executive Order 2020-07.

**NOW, THEREFORE, BASED ON THE FOREGOING RECITALS**, I, Andrew Maglio, as Mayor and Liquor Commissioner of the Village of Roselle hereby order instanter pursuant to my executive powers granted by law and the declaration of emergency as follows:

**SECTION 1.** The foregoing recitals are incorporated herein as if fully set forth as substantive provisions.

**SECTION 2.** I hereby suspend enforcement of any zoning ordinance of the Village and Chapter 3, Alcoholic Liquor Control, Article 1-Article 3 to the extent which they would prohibit or have the effect of prohibiting, on private property controlled by a business licensed for restaurant service and alcohol sales, or on (adjacent) public right of way where approved by the Village Administrator, so long as the sale and delivery of the food and alcohol by the restaurant/bar is in full compliance with Governor Pritzker's May 24, 2020 amendment of the Executive Order 2020-07 including all guidelines and toolkits. To be eligible for the operation of the restaurant/bar, it shall possess all valid licenses required by the Village to operate. No gaming devices shall be permitted in alfresco dining areas.

**SECTION 3.** Other than suspensions of the Roselle Zoning Ordinance and the Liquor Control Ordinances described above, all ordinances of the Village of Roselle shall remain in full force and effect with regard to the operation of alfresco dining except as they may have been qualified to any degree by my prior executive orders.

**SECTION 4.** I further authorize the Police Chief, or his designee, the authority to impose any conditions upon the operation a specific restaurant/bar operating on the public way which he deems necessary and appropriate for the public health, safety, and welfare.

**SECTION 5.** As Mayor, and on advice of the Village Attorney, I have concluded that a public hearing is not required to suspend enforcement of the Roselle Zoning Ordinance based upon the fact that a suspension is not an amendment, is temporary and the fact that the circumstances surrounding the statewide declaration of emergency imposed by Governor Pritzker's Executive Order 2020-07 are a unique and extraordinary situation requiring prompt action to ameliorate its potential harm.

**SECTION 6.** That the Village Administrator of the Village of Roselle or his designees are hereby authorized to undertake any and all administrative acts, including the issuance of temporary outdoor seating permits, reasonably necessary to effectuate the purpose of this order.

**SECTION 7.** Unless the corporate authorities adopt an ordinance repealing these outdoor seating permits, the outdoor seating areas under these permits shall be removed no later than October 31, 2020.

**SECTION 8.** Should any provision of this order be declared invalid by a Court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the order.

**SECTION 9.** This order shall become effective immediately, upon its signing by me and attestation by the Village Clerk.

**SECTION 10.** That this order shall be presented to the Roselle Village Board on June 8, 2020, for consideration of the extension of its provisions.

**SO ORDERED** this 28th day of May, 2020.

*Andrew Maglio*

Andrew "Andy" Maglio, Mayor, Village of Roselle

ATTEST:

*Fancia E. Brown*

Village Clerk

Date:

*5/28/2020*

